#### TAYLOR GETS

KENTUCKY ELECTION COMMISSION DECIDES IN HIS FAVOR.

#### CAN NOT GO BEHIND RETURNS

PLAINLY SAY THAT GOEBEL SHOULD HAVE THE OFFICE.

Predict That a "Tribunal of Compe

official findings that W. S. Taylor, for governor, and the rest of the Republican ticket have been elected on the face of the returns. Commissioners Ellis and Pryor signed the majority report, in which they held that, as a board of canvassers, they have no right to go behind the returns as follows:

In the opinion he quotes extensively from Cooley's Constitutional Limitations in support of the positions assumed. It continues as follows:

"I am unwilling to certify fraud and to turn Kentucky over to the control of the bayonet, Gatling gun and fraudulent issue

inaugurate Taylor next Tuesday. The majority opinion of the election

mission is as follows: Occupying a place we did not seek, we would glad-ip excape the discharge of the delicate and respon-sible duties which at the present moment confron-us, but, having voluntarily assumed the responsius, but, having voluntarily assumed the responsi-bilities of so important a trust, our duty is plain. We are not at liberty to depart from elementary principles, or to allow partisan zeal to force us to any conclusion which is not approved by our judg-ment and sacctioned by law. In reaching a conclusion in this case, we are com-pelled to construc, for the first time, the statute under which we art. It has not received judicial construction or interpretation at the hands of any court. This, of itself, adds to our embarrassment.

of itself, adds to our embarrassment, ble, to the magnitude of the disagree-

court. This, of itself, adds to our embarassment, if possible, to the magnitude of the disagree-sible task before us.

The capital question on the threshold is, what are the powers and jurisdiction of the state board of election commissioners, sitting as a canvassing board, which is the capacity in which it now acts? Are our powers purely ministerial, or are they both ministerial and judicial? May this board, under the law, acting as a mere board of canvassers, go to the Bottom of any and all irregularities, missonduct and frauds, if any, which may have been committed in the recent election, and, on the whole case, determine whether or not what now appears on the face of the returns is true or false? May this body inquire into the matter suggested by learned counsel as to whether or not the election in the city of Louisville was free and equal on account, as it is as to whether or not the election in the city of Louisville was free and equal on account, as it is argued, of an unlawful interference of the militia? May we institute an investigation and determine whether or not the election in any or all of the counties of the state was or was not held by secret official build, as required by law, and whether or not it was on that account or for any reason illegally conducted and therefore void? Does the power reside in this state board to consider whether or not finited States marshals were present at suffice.

side in this state board to consider whether or not United States marshals were present at poiling places throughout the state, with a view of intim-idating the voters? These are, as we understand it, the quentions underlying the whole subject. There is, however, one material question involved in this proceeding. It is this: If we find, under the law, that this board, sitting as a canvassing board, is cothed with judicial powers, the question is, are the papers and documents tendered for our considera-tion competent evidence for any nutroses or the papers and documents tendered for our considera-tion competent evidence for any purpose, or are they merely ex parts statements, which, under the rules of evidence, are inadmissable to establish facts? Are the papers purporting to be amended certificates from Knox, Johnson, Magoffin and Pike counties and the voluminous record from the city of Louisville the voluminous record from the city of Louisville such official documents as import absolute verity, and, therefore, competent evidence, or are they extra official and ex parte and incompetent as evidence in any court or before any tribunal where the rules of evidence obtain? In considering the question sub-mitted, we must be guided by the rules of law. We cannot depart from the beaten path, for it is the

we consider first the question as to whether or not the powers conferred on us as a canvassing board authorize us to exercise judicial powers. An appeal to the provisions of the statute ought to furnish a ready answer to this question. Whatever powers and jurisdiction it confers, we may lawfully exercise. Whatever powers and jurisdiction it has not conferred we may not lawfully assume to exercise. We did not make the law, fix our authority or mark the limit of our jurisdiction. If the law omits to clothe this board, sitting as a canvassing board, with jurisdiction and power to look into and revise ejection returns, as certified by the proper authorities from the various counties of the state, we cannow write into the law such authority. We have no right to add to or subtract from the plain terms of the statutes.

After quoting extracts from the new election law, defining the powers of the board, the opinion reads: It is evident, from the law, that the state board of election commissioners, when sitting as a board of election commissioners, when sitting as a board of contest, is clothed with powers and jurisdiction which it does not possess and cannot assume to exercise when sitting, as at present, in a mere ministerial consuits.

when sitting, as at present, in a mere ministerial capacity.

As a board of contest it possesses the powers and functions of a court. It may set aside the original returns, everthrow a prima facto case, and, when authorized by the law and the evidence, cast out precincts or whole counties and sward the certificate to the candidate other than the one having a majority upon the face of the returns. But these are powers which the board can only exercise when sitting as a board of contest.

We must assume that the legislature, by the enactionit of section 12 of the law, which provides for a board of contest, intended not only to limit the power of this body, when sitting as a board of canes, intended not only to limit the power of this body, when sitting as a board of canes, intended not only to limit the power of this body, when sitting as a board of canes, intended not only to limit the power of the board of contest and conferring on a confer all the judicial power and authority which the board of one of the section creating a board of contest and conferring on it responsible duties and large jurisdiction.

This law has carefully guarded the rights of all candidates; while they may not contest their rights to as of the section creating the confers have the section that the conference of the section creating a board of contest and conferring on it responsible duties and large jurisdiction.

thes and large jurisdiction.

This law has carefully guarded the rights of all candidates; while they may not contest their rights to an office before the canvassing board they unquestionably have such right before the board of contest. The remedy is plain and speedy. Every candidate, who is defeated on the face of the returns, may, before the tribunal, provided by law, test the question of his right to the office with his adversary and nothing that the canvassing board may do or can do will in any degree or in any manner whatever affect his right.

Such is our construction of the present law and we are fortified in the correctness of this construction, not only by the interpretation which the court of appeals of this state has placed upon kindred statutes, but by all the law of the land so far as we have been able to examine it.

This board, under the present law, as a canvassing board, possesses no other or greater powers than those conferred on the governor, attorney general and secretary of state.

To emphasize the correctness of this con-

clusion the writers of the majority opinion quote largely from the statute and num-trous authorities and then proceed as fol-lows:

rules of evidence. Every citizen is entitled to his day in court. He

#### COFFEE THE CAUSE of Heart Trouble.

"Three cases of heart trouble that have been relieved by stopping coffee and taking the Postum to be just as the doctor said, notice. First, my own case. I suffered greatly from palpitation and irregularity of the heart. My physician ordered me to leave off coffee, and when I took up Postum Food Coffee in its place, the heart trouble was soon entirely cured, and I find the Postum to be just as the doctor said, not only harmless, but very beneficial." A gentleman friend had much the same trouble with his heart. I suggested that he try Postum. After the first cup at breakfast, he said: 'I don't want any more of it.' Inquiry proved that it had not been properly boiled, so I prepared a cup for him, strictly according to directions, and he pronounced it 'delicious' and 'better than coffee.' Mrs. —, of Paducah, suffered much the same way, and has had the same experience in recovering from heart trouble by the discontinuance of coffee and taking up the use of Postum. For private reasons, I request that you withhold my name from publication." —, "Three cases of heart trouble that have

cannot be deprived of life, liberty or property except by the due process of law. It is not due process of law if he is not given an opportunity to meet his adversary and to cross-examine the witness offering against him, and to produce testimony in his own behalf. It would be monstrous to say that a person appearing, on the face of the returns, to have been elected to an office of high or low degree, could be deprived of that office on mere ex parte affidavits which he had never had an opportunity to inspect and before he had been given any opportunity, offer to give evidence in his behalf. Such is not, never was, and never will be, the law in any civilized state in the world.

What we have said with respect to the ex parte evidence applies to amended returns from certain counties, which, in every instance, only purport to have

what we have said with respect to the exparte evidence applies to amended returns from certain counties, which, in every instance, only purport to have
been signed by a majority of the county boards, and
which do not certify any fact authorized by the law
to be certified to this board.

It is contended by counsel for the Democratic
candidates that the military force of the state was
wrongfully and illegally called out on the day of
the recent election, with a view to intimidating the
citizens and voters of the city of Louisville. For
the reason already stated, our answer is that we
cannot, as a mere canvassing board, consider the
grave and constitutional question which they seek
to enforce upon our consideration. But, in justice
to counsel and to ourselves, we deem it relevant and
pertinent to at least indicate our view on the subject.

it to Him-Minority Opinion
in Favor of Seating
Mr. Goebel.

It is fact, about which we express no opinion, that the militia of this commonwealth were called out by the chief executive of the state on election day, and, if the governor of the commonwealth was, in fact, present in the city of Louisville personally in command of the state troops, as argued, that present a condition which does not meet the approval of this board, and which, in our opinion, the law unqualifiedly condemns. The orders and command of the civil authorities will not do in this country. It will certainly not do in Kentucky for anybody occupying official station or seeking political preferment to call to his aid or assistance the militia of the state.

the state.

Such conduct is not merely reprehensible in the first place, but it cannot be tolerated for a moment by the Angio-Saxon blood, which is represented in the citizenship of this commonwealth. No law writer of any respectability, and no court, has ever agreed that a thing like this could be done in time of peace with impunity.

of the county boards, that their duties are purely ministerial as canvassers, that the face of the returns, as received by them from the counties, show the election of the Republican state ticket; and certificates of election were ordered issued to each candidate thereon. Commissioner Poyntz presents a minority report which the closes by saying:

"I am unwilling to certify fraud and to official acts of a circuit judge who, as counsel contended, with writs of mandamus and mandatory injunctions, not only forced, as it is claimed, the officers of election to admit persons to the polling places who legally had no right to be there, but who, by mandatory process, required election officers to certify returns which, it is suggested to us, were not in fact true. All of this, for the reasons stated, is apart from the jurisdiction of this board, as at present constituted. It is enough, however, in this connection, to say this is not a government by injunction and when the question is properly presented before a tribunal having jurisdiction to deal with the subject, we predict with confidence that the judgment of such tribunal will be swift and certain and that it will be distinctly held that such performances on the part of any judge in this state, whether of high or low degree, are usurpations which can not and will not be sanctioned by law. If the people of Kentucky are noted for anything it is for fair dealing. Any attempt at intimidation, coercion, or overdrawing is resented by every citizen of the state and no officer can with impunity exercise the functions of his place for the purpose of controlling the lawful actions of the citizens, or to put him in fear, except as he has committed some public offense. We regret we have regarded it necessary, in view of questions before us, to extend this opinion to such length.

It results from what has already been said, that the certificates on the face of the returns before us should be issued to William S. Taylor, the Republican candidate for governor, and to the other candidates on the Republican state ticket with him, and it is so ordered.

The following is the gist of the minority report which will be read by Commiscioner.

The following is the gist of the minority report which will be read by Commissioner Poyntz:

I agree with my fellow members of the state elec-tion board that the Democratic candidates were legal-ly elected at the general state election held Novem-ber 7, 1899, and this fact is shown by the certificates made to this board by the several county blection housels.

made to this board by the several county Election boards.

Mr. Poyntz then goes briefly over the tissue ballot matter, declaring that, in his opinion their use should have rendered void the election in the counties of Pike, Johnson, Knox and Magoffin. The charges of military intimidation at the polis in Louisville is then discussed and the opinion given that the election in Jefferson county should be declared void.

There has been a great amount of money bet on the election throughout Kentucky as to who would be the next governor of the state, and the bestors are trying to decide whether, if Taylor is deciared governor and later ousted by legislature as not being a legal incumbent, he was, in fact, actually governor at all, in the eyes of the law. The Taylor bettors construe it one way, and, naturally, the Goebel mer. In the long way, and, naturally, the Goebel mer. In the way, and, naturally, the Goebel mer much money wagered on the outcome that the thing has really a serious side to it.

The story that Judge Pryor will resign.

The Boers free the thing has really a serious side to it.

The story that Judge Pryor will resign at the conclusion of the board's session tomorrow is untrue. Both he and Commis sioner Ellis have lost all love for the posi-tion of election commissioner, and both will retire after a time, but neither will the late elections have

#### SOUTHERN POP LEADERS MEET

Have a Conference at Memphis Preliminary to the Calling of the

National Convention. MEMPHIS, TENN., Dec. 8.-An important meeting of the Southern leaders of the People's party was held in Memphis

of the People's party was held in Memphis to-day and it was decided that the executive committee shall be requested to call a meeting for February for the purpose of naming a date for the next national convention of that party. The meeting was of an informal character, no record of the proceedings having been kept, and was in the nature of a surprise to local politicians. Those present were:

Frank Burkitt, of Mississippi; Milton F. Park, of Texas; A. W. Files and W. S. Morgan, of Arkansas; Dr. C. W. Crow, of Alabama; W. L. Peck, of Georgia; and Joseph Parker, of Kentucky.

Frank Burkitt, who is president of the Reform Press Association, after the conference, said that, as the other great parties in this country had already called meetings of their national executive committees for the purpose of naming a date for their convention, the People's party leaders thought it best that they take action at once. He said that it was considered ers thought it best that they take action at once. He said that it was considered necessary to get the matter before the people of the country and they thought it best to have a preliminary meeting before the committee was called together. The majority of the leaders who were in the conference are members of the national committee of their party.

The National Reform Press Association will meet in May of next year and it is

will meet in May of next year and it is considered important by the members of this conference that a meeting of the national convention be named before that

#### NEBRASKA SENATORSHIP.

Republicans Want Poynter to Call a Special Session or Name a Republican.

LINCOLN, NEB., Dec. 8 .- Governor Poynter escaped to-day from the politicians in terested in the senatorial appointment by going to his home, in Boone county. The governor said he would make no appointment by going to his home, in Boone county. The governor said he would make no appointment in the proceeding, when we come to consider the papers and documents offered as testimony and upon which we are requested to act clearly incomplete testimony for any purpose and it would be held, so we apprehend, not only in all courts, but it would be no held by us if we were now sitting as a board of contest.

If this board as a clearly incomplete testimony for any purpose and it would be held, so we apprehend, not only in all courts, but it would be no held by us if we were now sitting as a board of contest.

If this board was clusted with unlimited judicial if this board was clusted with unlimited judicial statements here submitted. It could not do so without violating the most familiar rules of evidence.

Every ciliage is another the papers and decemed inadvisable, to appoint some well known Republican agreeable to the majority in the legislature. terested in the senatorial appointment by

#### EX-POLICEMAN HANGED. He Murdered Mrs. Jane Nicholson in a Washington Park in

June, 1898. WASHINGTON, Dec. 8 .- George W. Horton was hanged in the District jail to-day for the murder of Jane Nicholson. Hor tor's crime was one of the most cold-blooded murders ever committed in the District. Horton was an ex-member of the police force, and Mrs. Nicholson was a divorced woman. On the evening of June 24, 1898, he met the woman in Armory park, and, in the conversation which ensued, she announced her determination to break off the relations which existed between them. As she arose from the bench to leave him, he drew a pocketknife and slashed her across the throat. In a frenzy of rage, he stabbed her again and again, almost sev-ering her head from her body. Nearly 100 persons witnessed the murder, but were too paralyzed with horror to interfere. He made no attempt to escape, and yielded quietly to arrest. His defense was in-sanity, and after his conviction repeated attempts were made to secure executive clemency. The president, however, declined to interfere with the sentence. Horton was a married man. ton's crime was one of the most cold-

### **FACE 15,000 BOERS**

BRITISH FORCE AT MODDER RIVER GREATLY OUTNUMBERED.

READY TO ADVANCE AGAIN

BOTH RAILWAY AND BRIDGE HAVE BEEN RESTORED.

Minor Engagement in Which Fourteen British Were Wounded-British Losses at Ladysmith Aggregate 31 Killed and 145 Wounded.

LONDON, Dec. 9.-General Forestier-Walker has sent the following dispatch dated at 9 o'clock last (Friday) evening, to the war office from Cape Town:

Telegraph and railway communication to Modder river has been reopened. A battery of field artillery and a battalion of infantry were dispatched from Modder river against Commandant Prins Loos force of 1,000 Boers, with one gun, who had destroyed the railway. Our losses were fourteen in wounded. Some interesting light is thrown on the osition of affairs along the western frontier by a dispatch issued by a Boer agency last evening in Berlin. The dispatch says: Commandant Prins Loos force is near Jacobsdal, between Modder river and Riet river. General Cronje is still on the north bank of Modder river, his rear being protected by fortified positions at Spytfontein. The hills between Modder river and Spytfontein and those between Jacobsdal and Riet river are occupied by Boers. Commandant De Larey's force is stationed between Gras Pan and Honey Nest kloof.

If this Berlin dispatch be correct-and it is especially significant when judged in connection with General Forestier-Walker's advices to the war office-there must be some 15,000 Boers around Lord Methuen who is believed to have 11,000 men. Kimberley, however, possessing an armored train, can materially assist Methuen by harassing the Boers from the rear. The Times has the following from Modder

river, dated Tuesday, December 5: "The river is low and the railway bridge is rapidly approaching completion. first train will cross to-night. After extraordinary exertions the pontoon bridge has been completed."

Lord Methuen's restoration of the railway, while relieving a load of anxiety here, accentuates the dangers still threatening his force. It is gathered from the brief official dispatch that Prins Loos' contingent was taken between forces acting from Belmont and southward from Modder river. It is quite possible owever, that reinforcements were sent to Belmont merely as a precautionary neasure

There is little other news of importance Reports continue to come from Ladysmith that dissension exists among the and especially that the Orange Free State are discontented. There are also all kinds of rumors of movements of comnandoes from place to place, but the fact is that little is known here regarding the actual position of the Boer forces. Moreover, the rumors of a collapse of Boe spirit have been heard so often as not to cause much satisfaction now.

According to a special dispatch from Jourenzo Marques, the Modder river battle is described by a Boer correspondent with General Cronje as "one of the fiercest the Boers ever experienced." The correspondent goes on to say:

"General Cronje's wing sustained almos solely the fearful attack of the British solely the rearral attack of the British right throughout the day. The Transvallers tenaciously held their positions untill 7 in the evening, when the Free State burghers were forced to retire by the heavy British shell fire. General Cronje then retired under cover of darkness, after facing the concentrated fire of all the British batteries.

"The Boers freely acknowledge the her-

"The British are advancing on Colenso but last night passed without an attack. There was a desultory cannonade this morning, the naval guns in Ladysmith replying vigorously to our fire.

#### GO TO JOIN THE BOERS.

Iowa Brothers Sell Their Fine Farm and Start for South Africa.

HOLSTEIN, IA., Dec. 8.-William and Daniel Davis have sold their fine 630 acre farm here and will go to South Africa Their father, Daniel Davis, Sr., is a larg farmer at West Barkley, Cape Colony, and has sent for them to join the Boer forces. Eight weeks ago they received a letter from him saying that all the farmers in that section were planning an uprising in Boer interests, and asking them to come. They left immediately on the sale of their

Consul Macrum Heard From. WASHINGTON, Dec. 8.-Mr. Macrum has brok-Mr. Adelbert Hay, who is going to Pretoria to re place Mr. Macrum, will leave Washington to-morrow

American Beet for British Army. CHICAGO, Dec. 8.—Libby, McNeil & Libby have shipped 750,000 pounds of canned beef to the British army in South Africa. Twenty-four cars were re-quired to carry it. This is the largest shipment of cauned beef ever made from this city.

#### KANSAS JUDGE RESIGNS.

F. L. Price, of the Thirty-first District. Will Leave the State and Go to Sandusky, O.

TOPEKA, Dec. 8.-(Special.) Governo Stanley to-night received indirect but definite information to the effect that Judge F. L. Price, of Ashland, would resign as judge of the Thirty-first district in a few days and remove to Sandusky, O., to practice law. Ed Madison, of Dodge City, is spoken of as Price's successor. Gov-ernor Stanley makes the appointment.

### Awful Itching of Eczema

Dreadful Scaling of **Psoriasis** 

**CURED BY CUTICURA** 

CUTICURA SOAP, to cleanse the skin, CUTICURA Ointment, to heal the skin, and CUTICURA RESOLVENT, to cool the blood, make the most complete and speedy cure treatment for torturing, disfiguring humors, rashes, and irritations, with loss of hair, which have defied the skill of the best physicians and all other remedies.

THE SET \$1.25 Or. Soap, 23c.; OINTMENT, 50c.; RESOLVENT, 50c. Sold everywhere. POTTER D. AND C. CORP. Props., Beston.

# WATCH FOR THE

"G000 SAMARITAN

-OF THE-20th CENTURY"

TO-MORROW'S JOURNAL

MADE AND LOST MILLIONS.

Meridith Simpson, Once a Success ful Promoter, Dies in Poverty in New York.

NEW YORK, Dec. 8.-C. Meridith Simp on, several times in life said to have been millionaire, was recently found dead in is room at Mills house No. 1, this city. He was 77 years old, and had made this

house his home for several months.
Friends who knew him in more prospet ous days had the body taken in charge by an undertaker, and word was sent to the dead man's brother, General Marcus Simpson, of Chicago, Mr. Simpson's only daugh who lives in this city, was also no The story that friends tell of the dead

with fortune, battles that had millions for their stakes. Mr. Simpson was born in their stakes. Mr. Simpson was born in Esperance, N. Y., and when a boy went to New Orleans, where he soon established himself in the dry goods business.

Prosperity smiled upon his venture, and at the outbreak of the civil war he was rated as one of the wealthlest business men and largest land owners in the state. Like many others, he saw everything swept away by the rebellion, and came North to recuperate health and fortune.

recuperate health and fortune:

He took an office in the financial district, and soon became known as a promoter. It was Mr. Simpson who at one time conceived the idea of selling the stock of the Third Avenue Surface road to a syndicate of English capitalists. Everything was in readiness for the transfer and the promoter saw himself about to reap a handsome profit. Then a hitch came and the deal fell through and the promoter saw himself about to reap a handsome profit. Then a hitch came and the deal fell through.

With dozens similarly situated, Mr. Simpson was again reduced to poverty in the crash that followed the failure of Grant & Ward. In the latter years of his life Mr. Simpson's time and energy had been taken up in litigation over the famous Woodhouse Mexican bonds, said to invoive a sum of money between \$5,000,000 and \$15,000,000. These bonds have been the subject of congressional investigation, international correspondence and litigation since the early '60s. They were originally issued to Daniel Woodhouse, and, on January 25, 1857, were officially denounced by Ignaclo Mariscal, secretary of the Mexican legation, as fraudulent. After an appeal to the president, the bonds were officially touched on in a presidential message to congress on July 10, 1868.

For a nominal sum Mr. Simpson obtained the bonds years are and since these beet.

For a nominal sum Mr. Simpson obtained the bonds years ago, and since then has been fighting to realize on them. At one time, it was said by a friend, he was cf-fered \$2,500,000 for the bonds. At the Mills house, little was known of Mr. Simpson.

#### GOOD ROADS CONVENTION.

dissouri Road Improvement Associa tion Was Yesterday Addressed by

Prominent Agriculturalists. SEDALIA, Dec. 8.—(Special.) The eighth annual meeting of the Missouri Road Improvement Association was held here today. T. O. Stanley, president of the association, of Sedalia, delivered his annual address and the secretary, Colonel G. W. Waters, of Canton, Mo., read his annual report, showing the increased interest in good roads throughout the state. Others "The Boers freely acknowledge the herculean assaults of the British and death dispersing fire of the attacking infantry, but they held their position for thirteen hours against the flower of the British army, replying solely with their Mausers and maintaining an uninterrupted rife fire. The Boer artillery was silenced early in the battle through the overwhelming number of the British artillery."

LADYSMITH, Thursday, Dec. 7, via Weenen.—The total British casualites hersince November 1 are five officers and twenty-six men killed, and fifteen officers and 120 men wounded, with three missing. The Boer force is still around us in large numbers, but all within the town are well and cheerful.

PRETORIA, Thursday, Dec. 7.—The following dispatch, duted to-day, has been received from the head laager near Ladysmith:

"The British are advancing on Colenso"

The British are advancing on Colenso"

The British are advancing on Colenso.

Waters, Columbia,
The State Sheep Breeders' Association held its second annual meeting in Sedalia Friday, Norman J. Colman, of St. Louis, president. His annual address covered the whole field of the sheep industry. Others who read papers were: L. E. Shattuck, Stanberry, Mo.; Professor F. B. Munford, Columbia, Mo.; Dr. I. M. Abraham, Harrisonville, Mo.; S. F. Huntsman, Cairo, Mo.; W. D. Wade, Lamonte, Mo.
The following officers were elected for

W. D. Wade, Lamonte, Mo.
The following officers were elected for 1900: Norman J, Colman, St. Louis, president; Hopson Glasscock, Rensaellier, vice president; L. E. Shattuck, Stanberry, secretary and treasurer.

#### SAILED WITH SIGSBEE.

Man Who Was Electrician on the St. Paul Under Maine's Old Commander.

GUTHRIE, O. T., Dec. 8.—(Special.) T. R. Davis, of Cincinnati, O., who is here arranging the electrical equipment of the new Guthrie theater, served as electrician of the St. Paul under Captain Sigsbee, during the Spanish war. Captain Sigsbee, it will be remembered, was captain of the illfated Maine, at the time of its dstruction, and is now captain of the battleship Texas.

and is now captain of the battleship Texas.

Said Mr. Davis to-day: "Sigsbee is anything but popular with his men. None of them denies that he is brave and a shrewd naval officer, but he is lacking in executive ability, and is not considerate of the comfort and feelings of the men under him. They think he is arrogant and lavish no affection on their leader.

"The government paid a rent of \$2,500 a day for the St. Paul, and it was one of four big Atlantic liners which was brought into the scouting service during the war.

"General Sampson had no admiration for our captain and at the time of the naval parade in New York harbor, on August 20, of last year, snubbed him. The St. Paul was supposed to go to Philadelphia, but Sigsbee was anxious to take part in the parade, and steered up to New York. We remained out of the parade and Sigsbee signaled to Sampson. 'What place shall we take?' Sampson signaled back, 'Stay where you are.'"

#### BURGLAR USED AN AX.

Coal Dealer of Lawrence, Kas., Terribly Beaten by a Thief Who Entered His Bedroom at Night.

LAWRENCE, KAS., Dec. 8.-(Special.) While R. A. Kier, a local dealer, living in North Lawrence, was asleep last night, a ourglar entered and looted the place of onsiderable money, after first beating Mr. Kler into insensibility with the blunt side of an ax. When Mr. Kler was discovered of an ax. When Mr. Kler was discovered this morning the room was bespattered with blood and showed signs of a terrible struggle. Drawers were pulled open and their contents piled about in confusion. On the bed lay Kler unconscious with his face bruised and swollen and covered with blood. Doctors expect his recovery although he is terribly injured. The ax was found stuck in a log in the yard. No arrests have been made.

Found Dead, With Gas Jets Open. NEW YORK, Dec. 8.—Policeman Charles L. Hen-sie and a young woman, said to be Mamle Jackson, 25 years old, were found dead to-day in a room of a Houston street hotel. They had been killed by gas, the two jets in the room being found torned on. All windows were closed tightly and the transom over the door was shut. Whether it was an accident or suicide is not known.

Mother and Daughter Dead. NEW YORK, Dec. S.—Mrs. Elizabeth Somerville, \$5 years old, and her daughter, Mrs. Elizabeth Lindsay, \$6 years of age, were found dead in their apartments on West Forty-ninth street to-day. They had been asphyxiated by gas, which was flowing from a tube used to connect with a gas stove. All the circumstances showed the deaths to have been acci-

## ANSWER ROBERTS Christmas is coming.

UTAH GENTILES SAY HE DID NOT TELL THE WHOLE TRUTH.

CALL HIM A DEFIANT CRIMINAL

DECLARE THAT HE IS NOW A FUGI TIVE FROM JUSTICE.

It Is Strongly Insisted That the Mormon Church Is Upholding Polygamy and Thus Violating the Compact With the United States.

WASHINGTON, Dec. 8.-An answer to Mr. Roberts' address to the American peo ple was given out to-day by a delegation representing the Gentile element in Utah. who are here to oppose Mr. Roberts.

answer is as follows:

In this morning's papers Mr. Roberts makes an appeal for sympathy in which are many statements needing correction while many facts are suppressed. exclusion is both new and dangerous. That it is no new was conclusively shown by Mr. Tayler in his single precedent to the country was cited where the ground of objection was ineligibility. Neither is the precedent dangerous. Whenever a "prima facie" case is made against a member's citizenship, showing that under a conviction for felony against the laws of the United States he is disfranchised, and, further, that by reason of his present maintenance of the status of a polygamist he is again suffering from civil disability under the Edmunds anti-polygamy act, such a member, refusing even to deny the charge, should be excluded. Nor is this dangerous, for it is not likely, as Mr. Roberts seems to assume, that an entire minority or all representatives of a large state are coming to congress carrying such a burden. In other states, men who flaunt their violations of these laws of decency in the face of the public are sent to the pentientiary. It is only in Utah where such indecency ever added to one's eligibility and served as a recommendation to political prefersingle precedent to the country was cited where th man's career is a story of ceaseless battles

and served as a recommendate ment.

Mr. Roberts' contention that no evidence of his guilt can be received except a fudicial record of his conviction in Utah as a matter of law is erroneous, and, as a matter of practice, dangerous, because Mr. Roberts and his all powerful and inspired priesthood can prevent such conviction if they consider it worth while.

Mr. Roberts claims that, whatever were his civil disabilities before statehood, they were removed by the adoption of the state constitution. If at the time of the passage of the enabling act Mr. Roberts was, as he seems in his appeal to admit, disfranchised by of the passage of the enabling act Mr. Roberts was, as he seems in his appeal to admit, disfranchised by act of congress, and therefore not a full citizen of the United States, as by the constitution he must be, to become a member of congress, then he is still in the same condition, because the constitution of Utah could not restore him to federal citizenship, and the enabling act did not do it. The enabling act of Utah, unlike that of some other states, required citizenship of the United States as a qualification for voting, and did not confer that citizenship upon those then not such citizens. Hence, Mr. Roberts' statement that, by Utah becoming a state, he was reliabilitated in the wanting attributes of citizenship, is unwarranted. habilitated in the wanting attributes of citizenship, is unwarranted.

Mr. Roberts says he has not been convicted since statehood. It does not follow that he is innocent. He is now a fugitive from justice in Salt Lake county on a charge of unlawful cohabitation, and in Davis county. U. where resides one of his polygamous wives, with her illegitimate twing, born August II, 1857, a charge of adultery (a felony under the law of Utah) has been for two months pigeon-holed by a Mormon prosecuting attorney.

of Utah) has been for two months pigeon-holed by a Mormon prosecuting attorney.

Mr. Roberta, in his attempt to belittle his crimes, insists that he is only charged with a misdemeanor. He knows better. He knows that he has been, under outh and before the proper prosecuting officers, charged with the felony of adultery as well as the misdemeanor of unlawful cohabitation. He asserts that in 1859 he pleaded guilty so a misdemeanor only, and also says that, if he were guilty of the same acts in the District of Columbia, "even flagrantly so," as a member of congress he could not be arrested therefor because, it is only a misdemeanor. Here again Mr. Roberts states what is not true, and he ought to know it. Unlawful cohabitation under the Edminds act, under which he pigal guilty, was a felony, as also is adultery, with which Mr. Roberts is charged in Davis county. U. In the District of Columbia both unlawful cohabitation and adultery are feionies, as defined by the Utah statutes, and it is only in Utah that the former is a misdemeanor. report, showing the increased interest in good roads throughout the state. Others who read papers were: Norman J. Colman, St. Louis, Mo.; W. B. McRoberts, Monticello, Mo.; George F. Reed, Springfield, Mo.; H. A. Schoppenhorst, Peers, Mo.; J. H. Bothwell, Sedalia, Mo.; T. S. McCalashan, Monmouth, Ill.; "Educational and Social Advantage of Good Roads," Dr. R. H. Jesse, president state university. The association elected the following officers for 1990: president, T. O. Stanley, Sedalia; vice president, G. F. Reed, Springfield; secretary and treasurer, G. W. Waters, Columbia.

The State Sheep Breeders' Association held its second annual meeting in Sedalia for the involved the second annual meeting in Sedalia, Friday, Norman J. Colman, of St. Louis, president, His annual address covered the whole field of the sheep industry. Others 

of his criminal practices. Neither is this a matter of religious or political persecution or prejudice. The undersigned include men of different churches and men who belong to no church, those who are Republicans and those who are Democrats.

Mr. Roberts denies, and we assert, that the compact between Utah and the other states has been violated. That compact was evidenced by many public acts as follows:

Pirst—By the manifesto of the Mormon church in 1890, which, by their leading men, was interpreted under oath to prohibit the continuance of polygamous relations as well as the contracting of new marriages. Second—By the Utah legislature, which, in 1822, made uniwaful cohabitation as well as polygamy ande uniwaful cohabitation as well as polygamy

mation.—By the declarations made by prominent citizens of Utah before the congressional committee having the enabling act under consideration, where also the foregoing evidences and statements were used to secure statehood.

Fifth—By the declaration in the constitution of Utah that polygamous marriages shall be forever prohibited.

Sixth—The act of the constitutional convention continuing in force the territorial laws punishing unitoning unitarity. Sixth—The act of the constitutional convention con-tinuing in force the territorial laws punishing un-lawful cohabitation as well as polygamy, of which convention Mr. Roberts was a member. All these public acts combined show conclusively that the compact includes the discontinuance of old polygamous relations as well as the prevention of new ones.

As evidence that this compact has been broken we point to the following:

new ones.

As evidence that this compact has been broken we point to the following:

First—That in Utah 1,600 illegitimate children have been born to polygamous wives since statehood.

Second—That about 2,000 polygamous households now exist in Utah, and that the attempt to secure a punishment of these offenders is denounced by the majority, as we believe, of Utah's citizens.

Thiri—That the circumstantial evidence unmistakably points to the existence of new wives in polygamous households, the most conspicuous examples of which are the cases of Apostles Abraham H. Cannon, John W. Taylor and Tuesdale, in at least the first of which the church organ of the dominant church retures to deny the marriage, and the new polygamous wife is employed as teacher in a church academy. Fourth—That the very men who interpreted the manifesto of 1890 to prohibit unlawful cohabitation with prior acquired wives now publicly justify its continuance.

with prior acquired wives now publicly justify its continuance.

Fifth—That most of the same men who, in a petition for amnesty, pledged their sacred honor for the beddence of the law by their people are now, by example and precept, encouraging to commission of the crime of unlawful cohabitation.

Sixth—As a further evidence of this bad faith we call attention to the fact that the men holding high church offices have pleaded guilty to the crime of unlawful cohabitation before the state courts without having their church standing affected, even, in some cases, having their fines paid by sympathetic friends. Seventh—All this is by necessary implication indorsed by a majority of Utah's people in the election of Brigham H. Roberts, who, during his campaign for election, was publicly charged with being a violator of the laws, as evidenced by his lilegitimate progeny, an din spite of these undenied charges he was elected by an overwhelming majority.

That Mr. Roberts himself understood that compact to mean the discontinuance of unlawful cohabitation, we point to his registrative oath of 1836, in which he swore it to be his intention to obey the law prohibiting unlawful cohabitation.

swore it to be his intention to bear the base ing unlawful cohabitation.

T. C. ILIFF, Salt Lake.

G. W. MARTIN, Manti, U.

C. M. OWEN, Salt Lake.

J. M. COOMES, Brigham City, U.

A. T. SCHROEDER, Salt Lake. Wichita Street Railway Sold.

WICHITA, KAS., Dec. 8.—The long street railway fight in this city was ended to-day when W. B. Mc-kinley, representing a company of capitalists of Portland, Me., closed a deal with the Batchelder syndicate, of New Hampshire, for the purchase of the Wichita street railway system. The price paid was \$30,000. The franchise has four years to run.

Used by British Soldiers in Africa. Captain C. G. Dennison is well known all over Africa as commander of the forces that captured the famous rebel, Galishe Under date of November 4, 1897, from Vryburg, Bechuanaland, he writes: "Before starting on the last campaign I bought a quantity of Chamberlain's Colic, Cholera and Diarrhoea Remedy, which I used myself when troubled with bowel complaint, and had given to my men, and in every case it proved most beneficial."

This startling piece of information may not be generally known, and a good many of us who are used to look for snow and sleigh rides, and skates, and an ice time, have found it hard to believe that Christmas was so near-but it's coming, and you've only got thirteen more shopping days to buy it, or them, or those in. There's one thing that neither good nor bad weather affects; that's the Christmas present. As usual, we are ready to have you come and look at what we've got to sell that will be suitable for him, and this year we've added a sort of a "for her" department. To-day we open the holiday neckwear in all its glory. Thousands of dozens of Tecks, four-in-hands, imperials, puffs and English squares; the 50c kinds at 35c; the 75c kinds at 45c; the \$1.00 kinds at 75c, and the \$1.50 kinds at \$1.00. The new mufflers, Oxford and Harvard shapes, at 35c, 45c, 65c, 75c; the square mufflers at 15c, 25c, 45c, 75c, \$1.00 and \$1.25. New pocketbooks, new gloves, new fancy hosiery, for men-and new furs for women and girls and little girls. Waists, jackets, pocketbooks, capes for women, smoking jackets for men, dressing sacques for women, bath and lounging robes for men and women, slippers for men and women. Your presence invited to see our presents.



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THIS WARE IS BECOMING MORE AND MORE POPULAR AND ESPECIALLY FOR GENTLEMEN'S USE. EVERY PIECE WE SELL IS GUARANTEED GENUINE EBONY, MOUNTED WITH STERLING SILVER 925-1000 FINE. MONOGRAM ENGRAVED ON THE SILVER MOUNTINGS WITHOUT EXTRA CHARGE.

EBONY NAIL FILES........50c BRUSHES..... \$1,25 to \$2,50 EBONY BUTTON HOOKS ..... 50c EBONY TOOTH BRUSHES ....57c MIRRORS ..... \$2,50 to \$6.50 EBONY HAIR BRUSHES..... \$2,50 to \$5.00 **EBONY MILITARY** BRUSHES ..... \$3.00 to \$5.00 EEONY COMBS ......\$1,00 **EBONY SHAVING** BRUSHES.....\$1,00 to \$3,00 BRUSHES..... \$1,25 to \$2,50 EBONY CLOTH EBONY SHOE BRUSHES......\$1.75 to \$2.50

Goods Mailed Free. Write for it to-day.



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> J. W. Jenkins' Sons Music Co., 921-923 MAIN STREET.

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Greatest Selected Stock of Fine Jewelry Ever Exhibite Silk Web Suspenders, assorted colors, sterling buckles \$2.59 

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15k heavy Gold Gents' Belcher Rings, assorted colored sets \$4.69 

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French Lemaire Pears Open Rings, assorted 14k extra heavy Marquise Rings, assorted

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#### MISSOURI ENDEAVORERS. State Convention Now in Session at Everything Pertaining to Music.

Springfield With a Large

Attendance. SPRINGFIELD, MO., Dec. 8 .- (Special.) The thirteenth annual convention of the state Christian Endeavorers met in this city to-day, and was called to order at 9 a. m. There were 127 delegates present, but many more came in this evening and others will arrive in the morning. Business houses and residences are all decorated in bunting of blue and gold. Stone chapel, in which the convention meets, is handsomely decorated.

At the meeting this morning, A. C. Forse, of St. Louis, presided, opening the

Forse, of St. Louis, presided, opening the meeting with prayer. Fred W. Pock, of Bolivar, led in the devotional service, and was followed by Rev. Mr. J. T. Bacon, of the Cumberland Presbyterlan church, of this city, who delivered an inspiring address of welcome. Guy M. Withers, of Pledmont, responded.

A discussion on the "Spiritual Power of the Quiet Hour" was participated in by Miss Kate Haus, state junior superintendent, of St. Louis, and Rev. Mr. Asa Leard, of this city. Rev. Mr. J. M. Cromer, of Kansas City, then spoke on "I Promise Jesus To." the covenant of the convention. He was followed by Rev. Mr. W. F. Richardson, state vice president, of Kansas City, with an address on "True Merit."

E. E. Smith, of Kansas City, led in a discussion of the work of the "Lookout Committee." Interesting afternoon and evening sessions were held.

The Sterling

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Is built to meet the needs of the most exacting-its faultless tone and exquisite touch commend it to all. Above everything, it is sold at a medium price-within the reach of even limited purses. Sold on easy payments by



Missouri Incorporations.

JEFFERSON CITY, Dec. 8.—(Special.) Certificates of incorporation were issued by Secretary of State Lesueur to-day as follows: The Enderle Drug Company of St. Louis, capital stock \$5.000; Sun Realty Company, of St. Louis, capital \$19.000; Premont Landard and Improvement Company, of Kansas City, capital 1990,000. Incorporated by Hale Holden, Oliver H. Mosman and Charles D. Clingan.